

R 071636Z JAN 09
FM AMEMBASSY BAMAKO
TO SECSTATE WASHDC 9890
DEPT OF LABOR WASHDC
INFO USMISSION GENEVA

UNCLAS BAMAKO 000009

DOL/ILAB FOR TINA MCCARTER
DRL/ILCSR FOR TU DANG

E.O. 12958: N/A
TAGS: ELAB EIND ETRD PHUM USAID ML
SUBJECT: MALI'S UPDATE ON WORST FORMS OF CHILD LABOR

REF: 08 STATE 127448

¶11. In response to reftel, this cable provides the 2008 update of the worst forms of child labor information.

A) CHILD LABOR LAWS AND REGULATION

¶12. Article 187 of the Malian Labor Code of 1992 and Article 20 of the Malian Code for the Protection of Children of 2002 set the general minimum age for employment at 15 years. However, Decree No. 96-178 of 1996 establishes more detailed regulations regarding children's work. It allows children from the ages of 12 to 14 to work in certain occupations, including seasonal or domestic work, although they may not be employed for more than four and a half hours per day (two hours a day, if they are in school), or without the authorization of a parent or tutor. The decree prohibits children under 16 from working in certain strenuous occupations, including mining. Finally, it prohibits children under 18 from engaging in work that threatens their safety or morals, from working more than eight hours per day, or from working at night. Article 183 of the Criminal Code establishes penalties for the sexual exploitation and sexual abuse of children. The Labor Code prohibits forced or obligatory labor.

-- The minimum age for military recruitment is 18.

-- Mali ratified Convention 182 in 2000. Since the formation of the Child Labor Unit in July 2007, the Ministry of Labor has taken the lead in reaching consensus among the unit's 43 governmental, non-governmental, and civil society members. A final list of the hazardous occupations has been drafted after several iterations between the national and local levels of government. The list is currently awaiting the approval of the Council of Ministers and is expected to pass without delay in early 2009. This would set into place a legislative framework that would allow better monitoring and prosecution of offenders.

B) IMPLEMENTATION AND ENFORCEMENT

¶13. Penalties for violations of the minimum wage law are established in the Labor Code and range from a fine of 20,000 to 200,000 FCFA (USD 40 to 400). Legislation passed in 2001 made the trafficking of children punishable by 5 to 20 years in prison. In 2008, three traffickers were arrested under this law. They have subsequently been released pending further investigation and no charges have been brought against them.

¶14. Labor inspectors from the Ministry of Employment and Civil Service conduct surprise and complaint-based inspections but operate only in the formal sector and lack resources to effectively monitor child labor throughout the country. In 2007, there were eight assigned inspectors. No updated information on the number of inspectors or on the cases inspected in 2008 was available.

¶ 15. Labor inspectors have received some training for preventing child labor abuses. The frontier police, INTERPOL, and territorial and security authorities are responsible for enforcing the bilateral cooperative agreements to curb cross-border trafficking, signed between the GOM and Cote d'Ivoire, Senegal, Guinea, and Burkina Faso.

C) SOCIAL PROGRAMS TO PREVENT CHILD LABOR

¶ 16. The Government of Mali is participating in a U.S. Department of Labor/ILAB funded 3.5 million dollar project to contribute to the elimination of the worst forms of child labor and the progressive elimination of all forms of child labor in the country. The objectives are to identify and promote replicable, community-based educational innovations that lead to the prevention or reduction of child labor. The project aims to strengthen formal and non-formal education systems that enable working children and those at risk to attend school, as well as provide data on enrollment, persistence, transition, and completion of school programs. In addition, the program will raise awareness of the value of education for all children, and the hazards of child labor, as well as strengthen institutions and policies to address education and child labor.

¶ 17. As part of the Africa-wide project, CARE and World Vision recently completed a USD 3.8 million four-year project started in October 2003, in conjunction with the Malian Ministry of Education, to combat child trafficking through education. The project, which operated in the regions of Segou, Mopti, and Bamako District, was aimed at reducing child trafficking and child labor by improving access to informal schools in the regions of the country most affected by trafficking.

¶ 18. USAID-Guinea completed in December 2008 the first phase of a project, at the cost of USD 120,000, in 15 villages in Guinea and five in Mali. Through this project, families in these villages received education about the methods of child traffickers and the danger inherent in abusive child labor. The project also sought to inform truck, taxi, and bus drivers on how to recognize probable traffickers and encourage these drivers to contact the appropriate authorities to report suspicious activity. The second phase of the project, at a cost of USD 159,000, is scheduled to run from December 2008 through November 2009.

D) GOVERNMENT POLICIES AND PROGRAMS

¶ 19. The Ministry of Labor, in collaboration with the ILO, has been working to draft and pass a law specifically against the worst forms of child labor. The Minister of Labor and President of the National Assembly formed a parliamentary commission toward this end.

¶ 10. The Malian Government's Plan of Action, elaborated in 2007, specifically addresses child labor. To implement these recommendations, the Ministry of Labor formed a National Steering Committee by decree. The committee is composed of 13 ministries, non-governmental, and civil society members, totaling 43 members in all. In order to give the Steering Committee greater political scope, the Labor Ministry drafted a decree that would be signed by the Prime Minister and would require the approval of the Council of Ministers. The Labor Ministry hopes to enhance the Committee's ability to coordinate activities combating child labor by achieving greater political consensus.

¶ 11. The GOM signed the United Nations Development Assistance Framework (UNDAF), which defines objectives of concrete and ambitious outcomes for the United Nations Systems agencies in Mali for the 2008-2012 time frame. Based on the analyses in the Growth and Poverty Reduction Strategy Paper (GPRSP) for

the 2007-2011 period, UNDAF identifies development goals that are fully consistent with the national priorities defined in the national strategy paper for the next five years.

¶12. Mali's 1999 Education Law makes education free and compulsory for children ages 7 to 15. The school enrollment rate for children under the age of 15 who are considered economically active is 40% compared to 62% for those not economically active. Between the ages of 15 and 17, the difference is even more dramatic: 22.7% for those economically active compared to 58.4% for those not economically active.

E) PROGRESS TOWARD ELIMINATING CHILD LABOR

Sectors/Work Activities

The following data is taken from a provisional report entitled, "Understanding Children's Work in Mali", a joint publication by the ILO, UNICEF, and the World Bank Group, issued October 2008.

--Currently, 1.4 million children between the ages of seven and 14 are employed in child labor, comprising 50% of children of this age group. More than 60% of children employed are under the age of 12.

--The phenomenon is more rural (60%) than urban (36%).

--The regions of Bamako and Kidal have less than a 10% rate of child labor. This is significantly lower than the more intensely agricultural regions of Sikasso (76.3%), Segou (67.6%), and Koulikoro (60.6%).

--The majority of children work in the agricultural sector (83%), followed by the services sector (10%) and manufacturing (6%). This represents some change in the statistics from the previous year, which may reflect better

data collection as a result of the Malian government's collaboration with the ILO and UNICEF.

--The agricultural sector also includes fishing and forest exploitation (chopping wood and making charcoal). The services sector includes domestic servitude as well as work in grocery stores, restaurants, transportation, and communication. Manufacturing also includes labor in mining and construction.

--A provisional report completed by the ILO, UNICEF, and the World Bank will be sent to the contact provided in reftel.

Children Working in Slavery

¶13. There is currently no data available on slavery, child or otherwise, in Mali, but there is evidence that hereditary relationships continue to informally link different ethnic groups, particularly in the north. Members of the black Tamacheck community reportedly continued to live in forced servitude and were deprived of civil liberties by members of other ethnic groups, and forced servitude often extended to their children.

Children Trafficked

¶14. No official estimate of the number of children trafficked for the purposes of performing labor in 2008 was available. A common practice is for families to give their children to itinerant Koranic teachers who promise to provide boys with education. While some religious education may take

place for as little as one hour per day, the boys are usually forced to work or beg during the day. Many Malian children are sold into forced labor in Cote D'Ivoire and other neighboring countries to work on coffee, cotton, and cocoa farms or to work as domestic servants. Guinea and Senegal are also reported destinations for traffickers and their victims. Organized networks of traffickers, promising parents they will provide paid employment to their children, reportedly sell the children to commercial farm owners for between 14,500 to 29,000 CFA (USD 29 to 60). Mali is also reported to be a transit country for children trafficked to and from neighboring countries and to Europe.

LEONARD